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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,391	01/28/2004	Douglas Dombrowski	DP-311282	3331

22851 7590 01/25/2005  
DELPHI TECHNOLOGIES, INC.  
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TROY, MI 48007

EXAMINER

LUONG, VINH

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/766,391

Applicant(s)

DOMBROWSKI ET AL.

Examiner

Vinh T Luong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/28/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



Vinh T. Luong  
Primary Examiner

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachments 1 & 2.

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1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
  - (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
  - (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
  - (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
  - (e) BACKGROUND OF THE INVENTION.
    - (1) Field of the Invention.
    - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
  - (f) BRIEF SUMMARY OF THE INVENTION.
  - (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
  - (h) DETAILED DESCRIPTION OF THE INVENTION.
  - (i) CLAIM OR CLAIMS (commencing on a separate sheet).
  - (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
  - (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).
2. The disclosure is objected to because of the following informalities: the specification should be arranged in the order listed above. For example, the description of prior art Fig. 1 should not be arranged in the Detailed Description of Preferred Embodiment as seen on pages 2 and 3. Appropriate correction is required.

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(a) as being anticipated by admitted prior art (Applicant's Fig. 1).

Regarding claim 1, admitted prior art teaches a two position, spring biased lever system comprising a lever 12 that pivots on a support 14 between a first (up) position and a second (down) position, and a spring 16 having an arm 20 that biases the lever 12 toward the second position, the arm 20 engaging the lever 12 to hold the lever 12 in the first position.

Regarding claim 2, admitted prior art teaches a two position, spring biased lever system comprising a lever 12 that pivots on a support 14 between a first (up) position and a second (down) position, and a spring 16 having a spring arm 20 that engages a notch (unnumbered. See Attachment 1) in the lever 12 to hold the lever 12 in the first position while biasing the lever 12 toward the second position when the lever 12 is in the first position.

5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Lautenschlager'884 (US Patent No. 4,894,884).

Regarding claim 1, Lautenschlager'884 teaches a two position, spring biased lever system comprising a lever 30 that pivots on a support 40 between a first position (closed position) and a second position (open position), and a spring 34 having an arm 34a that biases the lever 30 toward the second position, the arm 34a engaging the lever 30 to hold the lever 30 in the first position.

Regarding claim 2, Lautenschlager'884 teaches a two position, spring biased lever system comprising a lever 30 that pivots on a support 40 between a first position (closed position) and a second position (open position), and a spring 34 having a spring arm 34a that engages a notch 32a in the lever 30 to hold the lever 30 in the first position while biasing the lever 30 toward the second position when the lever 30 is in the first position.

Regarding claim 3, Lautenschlager'884 teaches a two position spring biased lever system comprising a lever 30 that pivots on a support 40 between a first (closed) position and a second (open) position, and a torsion spring 34 having a tangential spring arm 34a that is attached to a central coil (at 34 in Fig. 2) at one end and that has a distal end 34c that is engaged in a notch 32a of the lever 30, the torsion spring 34 being stressed so that the spring arm 34a holds the lever 30 in the first position when the distal end 34c is in the notch 32a (Fig. 2) while biasing the lever 30 toward the second position, the spring arm 34a moving the lever 30 to the second position when the distal end 34c is disengaged from the notch (Fig. 1).

Regarding claim 4, the distal end 34c of the spring arm 34a when released from the notch 32a slides along a surface 32b of the lever 30 to bias the lever 30 to the second position.

Regarding claim 5, the distal end 34c of the spring arm 34a is a *substantially* perpendicular end portion of the spring arm 34a, which when released from the notch 32a slides along a surface 32b of the lever 30 to bias the lever 30 to the second position.

Regarding claims 6 and 7, the spring arm 34a has a length L-1 (see Attachment 2) measured from its pivot to the distal end, wherein the lever has a length L-2 (Att. 2) measured from its pivot to the notch, and wherein the system has a length L-3 (Att.) measured from the

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pivot of the spring arm to the pivot of the lever and wherein the sum of the length L-1 and the length L-2 exceeds the length L-3 when the lever is in the first position as seen in Fig. 1.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Dimig et al. (spring 784), Bembnowski (Fig. 4), Lautenschlager'930 (Figs. 1-4), Reiter (spring 154), and McDaniel (Fig. 2).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 703-308-3221. The examiner can normally be reached on Tuesday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

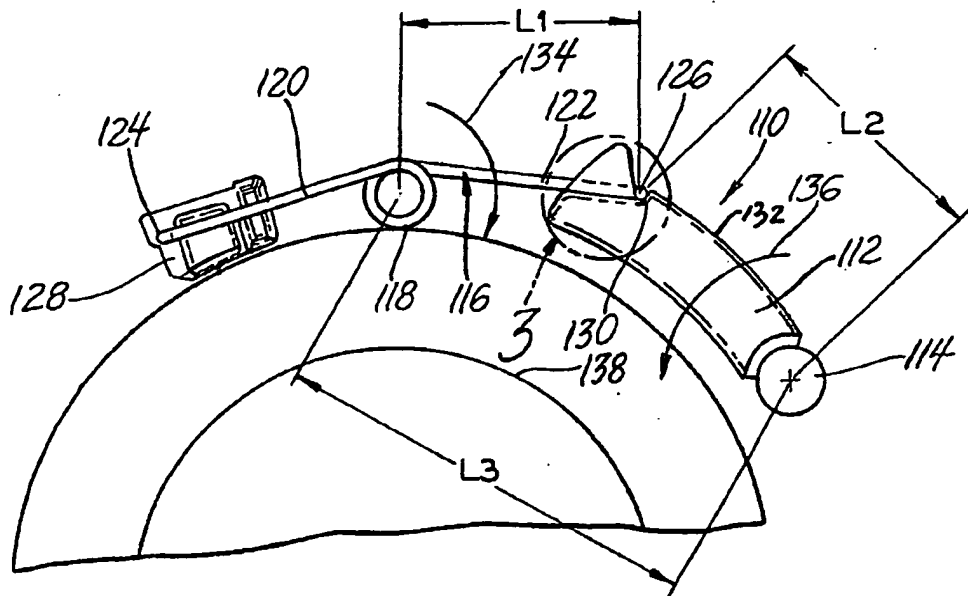
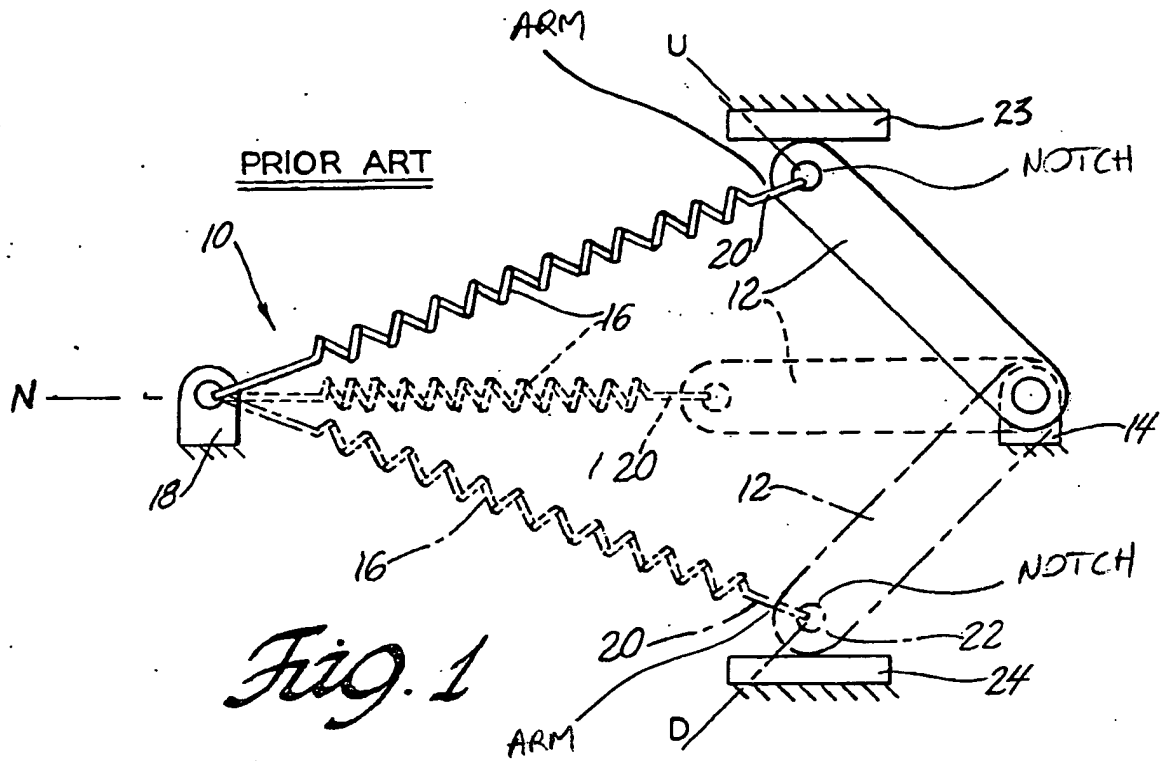
Luong

January 19, 2005



Vinh T. Luong  
Primary Examiner

# **ATTACHMENT # 1**





## **ATTACHMENT # 2**

